



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,986	05/03/2001	Andreas Bernkop-Schnurch	030560-056	7285

21839 7590 11/16/2005

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

SHARAREH, SHAHNAM J

ART UNIT PAPER NUMBER

1617

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Responsive Amendment

The reply filed on August 15, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The Restriction Requirement mailed on July 13, 2005 required an election of species under PCT Rule 13.1. Applicant has not properly selected a species to initiate the Examination. At page 3, of the Requirement, Examiner required Applicant to elect a species from "Various Polymeric moieties encompassing numerous monomeric units." Applicant alleges that Examiner has failed to clearly identify what the various polymeric moieties are? (see Election at page 3).

Examiner draws applicant's attention to instant claims 1 and 30. Claim 1 is directed to polymers comprising not more than 10 different monomers. Accordingly, claim 1 encompasses various types of polymers having up to 10 different monomeric units. Claim 30 further clarifies that polymer of claim 1 can be selected from thiolated copolymers of acrylic acid and divinyl glycol, thiolated chitosan, thiolated sodium carboxymethylcellulose, thiolated sodium alginate, etc... Even though, the instant generic claim 1 is not limited to the specific monomeric units of claim 30, applicant is free to elect either a monomeric unit that is recited in claim 30, or any other monomeric unit that adequately meets the written description requirement under 35 USC § 112, 1st paragraph.

Since applicant has not properly elected a species for prosecution, the response is found to be non-responsive. See MPEP 821.03, See 37 CFR 1.111.

A telephone call was made to Mr. Chris North on November 1st, 2005 to clarify the election, however, it led to no resolution of the issue. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahnam Sharareh whose telephone number is 571-272-0630. The examiner can normally be reached on 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan, PhD can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SS



SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER